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June 24, 2013

### VIA ECF AND FACISIMILE

The Honorable Madeline Cox Arleo, U.S.M.J.  
King Building & U.S. Courthouse  
50 Walnut St., P.O. Box 999  
Newark, NJ 07101-0999

**Re: Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey**  
**Docket No. 12-2379; 12-2380; 12-3775; 12-3777**

Dear Judge Arleo:

Please be advised that this firm represents Horizon Blue Cross Blue Shield of New Jersey ("Horizon") in the above captioned matters. Currently pending before Your Honor on June 26, 2013 is a consolidated settlement conference for these four (4) matters. The parties jointly submit this letter and respectfully request that the conference be converted into a telephonic status conference.

By way of background, Montvale Surgical Center currently has approximately sixteen (16) actions pending against Horizon in this Court. Although the parties originally sought consolidation of these actions, the motion for consolidation was ultimately denied and each matter has been proceeding on its own track. Over approximately the past two (2) months, the parties have been attempting to come to a "global" resolution of these claims.

The parties appeared for an in-person settlement conference in these matters before the Honorable Steven Mannion on June 13, 2013 and again on June 21, 2013. However, the parties were unable to come to a resolution of these cases and at this point, settlement does not appear

June 24, 2013

Page 2

likely. In an effort to preserve the resources of both the parties and the Court, the parties respectfully request that the conference scheduled for Wednesday, June 26, 2013, be held telephonically. At that juncture the parties can discuss with Your Honor a schedule for dispositive motions in these matters.

The parties note that docket numbers 12-3775 and 12-3777 involve the additional defendant Wyeth Pharmaceuticals. I personally conferred with counsel for Wyeth this afternoon and they also join in this request.

As always, we are available to answer any questions Your Honor or Your Honor's staff may have on this matter. If this request meets with Your Honor's approval, for the Court's convenience, a "So Ordered" signature line is included *infra*.

Respectfully submitted,

s/ Matthew Baker

Matthew A. Baker

Cc: Andrew Bronsnick, Esq. (Via CM/ECF and Email)  
Carla Macaluso, Esq. (Via CM/ECF and Email)

IT IS SO ORDERED this \_\_\_\_\_ of June 2013, that the settlement conferences listed in Docket No. 12-2379; 12-2380; 12-3775 and 12-3777 are hereby converted to a telephonic status conference.

\_\_\_\_\_  
HON. MADELINE COX ARLEO, U.S.M.J.